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EXAMINER

KALINOWSKI, A

ART UNIT

PAPER NUMBER

2166

DATE MAILED:

11/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/510,067

Applicant(s)

Kennedy

Examiner
Alexander Kalinowski

Art Unit
2166



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 20, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-42 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. Claims 11-42 are presented for examination. Applicant filed an amendment on 8/20/2001 amending the specification and amending claims 14 and 30. After careful review of Applicant's arguments, the Examiner maintains the rejection of claims 11-42 based on 35 USC 103 as set forth in detail below.

Response to Arguments

2. In light of Applicant's amendment to the specification, the Examiner withdraws the objection to the specification.

3. Applicant's arguments filed on 8/20/2001 have been fully considered but they are not persuasive. Applicant argues that the James reference does not disclose the claimed features of claim 11. The Examiner notes that the basis of the rejection of claim 11 is based on 35 USC 103 using the combination of the James and Lee references. The claimed limitations of claim 11 were disclosed by the combination of references cited by the Examiner. The Examiner provided specific citation to the combination of references used to reject claim 11. The teachings of James were modified by the teaching of Lee with explicit motivation to combine provided within the Lee reference. Therefore the Examiner presented a prima facie case under 35 USC 103 to reject claim 11. Therefore, Applicant's arguments are nonpersuasive. Furthermore, Applicant states that the combination of James, Lee and Smith do not disclose features in claims 19, 27, and 35 for the same reasons as Applicant's arguments directed to claim 11. Since the Examiner found

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Applicant's arguments directed to claim 11 to be nonpersuasive, the Examiner finds Applicant's arguments directed to claims 19, 27, and 35 to be nonpersuasive for the same reasons as claim 11.

4. Since the Applicant has not filed a terminal disclaimer to overcome the rejection of claim 11-42 based on the judicially created doctrine of obviousness type double patenting of claim, the Examiner maintains the rejection of claims 11-42 based on double patenting.

Double Patenting

5. Claim 11-42 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-82 of U.S. Patent No. 6,188,989. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 11-42 are broader than claims 1-82 in the '989 patent.

As to claim 11, claim 1 of the '989 patent discloses a system for managing data associated with available-to-promise (ATP) products, comprising:

at least two seller models that each represent a seller for one or more products, each product being associated with a product forecast model representing:

forecasted sales of the product through the seller;

planned supply of the product;

customer orders for the product through the seller; and

allocated supply of the product to the seller; and

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the system operable to compute the amount of the product that is ATP at the seller according to the planned supply, the customer orders, the allocated supply and the amount of the product that is ATP at one or more other sellers.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to broaden claim 1 of the '989 patent since the resulting claimed invention would be simpler and more efficient to implement than the original.

Claims 12-18 are rejected on a similar basis as claim 11 since the claims are broader versions of claims 2-19 of the '989 patent.

As to claim 19, claim 20 of the '989 patent discloses a system for managing data associated with available-to-promise (ATP) products, comprising:

at least one seller model representing a seller for products that each correspond to an item having one or more restrictions on its sale, at least two products corresponding to the same item but with at least one different restriction, each product being associated with a product forecast model representing:

forecasted sales of the product through the seller;

planned supply of the product;

customer orders for the product through the seller; and

allocated supply of the product to the seller; and

wherein the system is operable to compute the amount of the product that is ATP at the

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seller according to the planned supply, the customer orders, the allocated supply, and the amount of the product that is ATP at one or more other sellers.

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to broaden claim 20 of the '989 patent since the resulting claimed invention would be simpler and more efficient to implement than the original.

Claims 20-26 are rejected on a similar basis as claim 19 since the claims are broader versions of claims 21-41 of the '989 patent.

As to claim 27, claim 43 of the '989 patent discloses a method for managing data associated with available-to-promise (ATP) products, comprising:

accessing at least two seller models that each represent a seller for one or more products, each product associated with a product forecast model representing:

forecasted sales of the product through the seller;

planned supply of the product;

customer orders for the product through the seller; and

allocated supply of the product to the seller; and

computing the amount of the product that is ATP at the seller according to the planned supply, the customer orders, the allocated supply, and the amount of the product that is ATP at one or more other sellers.

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It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to broaden claim 43 of the '989 patent since the resulting claimed invention would be more simpler and more efficient to implement than the original.

Claims 28-34 are rejected on a similar basis as claim 27 since the claims are broader versions of claims 43-60 of the '989 patent.

As to claim 35, claim 62 of the '989 patent discloses a method for managing data associated with available-to-promise (ATP) products, comprising:

accessing at least one seller model representing a seller for products that each correspond to an item having one or more restrictions on its sale, at least two products corresponding to the same item but with at least one different restriction, each product being associated with a product forecast model representing:

forecasted sales of the product through the seller;

planned supply of the product;

customer orders for the product through the seller; and

allocated supply of the product to the seller; and

computing the amount of the product that is ATP at the seller according to the planned supply, the customer orders, the allocated supply, and the amount of the product that is ATP at one or more other sellers.

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It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to broaden and remove steps from claim 62 of the '989 patent since the resulting invention would be simpler and more efficient to implement.

Claims 36-42 are rejected on a similar basis as claim 35 since the claims are broader versions of claims 63-82 of the '989 patent.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11, 12, 15, 16, 18, 27, 28, 31, 32, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over James et al., EP 425,405 A2 (hereinafter James) in view of Lee et al., Pat. No. 5,712,985 (hereinafter Lee).

As to claim 11, James discloses a system for managing data associated with available-to-promise (ATP) products (processes that take place in a typical manufacturing environment from the time the orders are received and the logic to arrive at the capability to promise and confirm planned shipping dates based on capacity constraints and product availability)(page 5, col. 2, lines 32-49), comprising:

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planned supply of the product (i.e. planned orders to cover net requirements)(page 4, col. 1, lines 16-22 and page 7, col. 1, lines 47-51);

customer orders for the product through the seller (i.e. customer order servicing)(page 5, col. 2, lines 32-43); and

allocated supply of the product to the seller (i.e. The system takes into account impact of scheduling the requested customer orders with orders already in progress. Check if there is unallocated inventory. If the system checks to see if there is unallocated inventory, then some of the inventory is allocated.)(page 4, col. 2, lines 35-47, page 5, col. 1, lines 37-40 and page 6, col. 2, lines 3-16); and

the system operable to compute the amount of the product that is ATP at the seller according to the planned supply, the customer orders, the allocated supply and the amount of the product that is ATP at one or more other sellers (i.e. planned production activity performed by CRP system, customer orders, allocated supply)(page 4, col. 2, lines 48-59, page 5, col. 1, line 33 - col. 2, line 18, and page 7, col. 1, lines 47-51).

James does not explicitly disclose

two seller models that each represent a seller for one or more products each product being associated with a product forecast model; and

forecasted sales of the product through the seller.

However, Lee discloses each product being associated with a product forecast model (i.e. model covers each of a plurality of products)(col. 2, lines 1-9 and col. 5, lines 46-63); and

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forecasted sales of the product through the seller (i.e. forecast profile)(col. 3, lines 41-53). at least two seller models that each represent a seller for one or more products (page 5, lines 10-28). Finally, Lee discloses at least two seller models that each represent a seller for one or more products (i.e. the model should cover each of a plurality of products or business items to determine future business demand for a specific location)(col. 2, lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the teachings of Lee within the James system in order to provide products in timely response to customer demands (col. 1, lines 37-43).

As to claim 12, James discloses the system of Claim 11, further operable to adjust the allocated supply according to one or more business criteria selected from the group consisting of seller criteria, product criteria, forecast criteria, supply criteria, customer order criteria, and policy criteria (i.e. whether the customer date can be satisfied)(page 5, col. 1, line 33 - col. 2, line 18).

As to claim 15, James discloses the system of Claim 11, wherein the forecast model further represents a quantity of the product the seller has committed to selling, the system operable to adjust the allocated supply for the seller according to the committed quantity (page 3, col. 2, line 48 - page 4, col. 1, line 1).

As to claim 16, James discloses the system of Claim 11, further operable to:

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accept a customer order requesting a quantity of a product through the seller (page 6, col. 1, lines 38-50); and

compute a promise for the customer order according to the planned supply and one or more existing customer orders, the promise restricted according to the allocated supply (page 5, col. 1, line 33 - col. 2, line 18 and page 6, col. 1, lines 38-50).

As to claim 18, James discloses the system of Claim 11, further operable to adjust either the forecasted sales or the allocated supply for a product for the seller according to an arrival rate of customer orders for the product through the seller (page 5, col. 1, line 33 - col. 2, line 18 and page 6, col. 1, lines 38-50).

As to claim 27, the claim is the corresponding method claim to system claim 11 and is rejected on the same basis as claim 11.

As to claims 28, 31, 32, and 34, the claims are similar in scope to claims 12, 15, 16, and 18 and are rejected on the same basis.

8. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over James and Lee as applied to claim 11 above, and further in view of Dusty Rhodes, "The Keys to the

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Enterprise: Integrated Applications drive Information Systems to New Horizons”(hereinafter Rhodes).

As to claim 13, James does not explicitly disclose the system of Claim 11, further operable to:

communicate forecast models to a remote system;

receive from the remote system a promise computed at the remote system for a customer order requesting a quantity of a product through the seller, the promise being computed according to the allocated supply;

receive from the remote system adjusted forecast models reflecting the promise; and
recompute the amount of the product that is ATP at the seller.

However, James discloses receiving a promise for a customer order requesting a quantity of a product through the seller, the promise being computed according to the allocated supply (see abstract, page 5, col. 1, lines 33-59 and page 6, col. 1, lines 18-30). James further discloses receiving a promise for a customer order requesting a quantity of a product through the seller, the promise being computed according to the allocated supply recomputing the amount of the product that is ATP at the seller (page 3, col. 2, line 48 - page 4, col. 1, line 1). In addition, Lee discloses receiving adjusted forecast models reflecting the promise (i.e. variation between actual demand and the forecasted demand is used to update base and influence profiles and the forecasted demand is redetermined)(see abstract and col. 15 and col. 21, line 18 - col. 22, line 12).

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It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving adjusted forecast models reflecting the promise within the James system in order to provide products in timely response to customer demands (col. 1, lines 37-43). Although James and Lee do not explicitly disclose remotely located systems, Rhodes discloses enterprise wide integration of sales, marketing, material and resource systems (i.e. SOP)(see abstract). Rhodes further discloses that forecast information is communicated to a remote system (i.e. forecasting is used to drive the master production schedule) (page 3, lines 11-25). The remote system transmits a promise reflecting a customer order requesting a quantity of a product through the seller, the promise being computed according to the allocated supply (i.e. MPS linked with order management such that when a customer places an order... to determine what's currently in production to give viable available to promise dates)(page 3, lines 12-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include performing the steps of claim 13 in remotely located systems within the James and Hunt combination in order to achieve business goals such as improved customer service, increased productivity and greater profitability (page 1, lines 43-45 and page 2, lines 14-25).

As to claim 14, James does not explicitly disclose the system of Claim 13, wherein:
all forecast models for one or more sellers are communicated to the remote system;
the system receives from the remote system a promise also computed according to the amount of product that is ATP at one or more other sellers; and

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adjust the amount of the product that is ATP at one or more other sellers if the promise exceeds the allocated supply for the seller.

However, James discloses receiving a promise for a customer order computed according to the amount of product that is ATP at one or more other sellers (see abstract, page 5, col. 1, lines 33-59 and page 6, col. 1, lines 18-30). James further discloses adjusting the amount that is ATP at one or more other sellers if the promise exceeds the allocated supply for the seller (page 3, col. 2, line 48 - page 4, col. 1, line 1). In addition, Lee discloses receiving forecast models for one or more sellers (see abstract and col. 6, lines 35-60). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving forecast models for one or more sellers within the James system in order to provide products in timely response to customer demands (col. 1, lines 37-43). Although James and Lee do not explicitly disclose remotely located systems, Rhodes discloses enterprise wide integration of sales, marketing, material and resource systems (i.e. SOP)(see abstract). Rhodes further discloses that forecast information is communicated to a remote system (i.e. forecasting is used to drive the master production schedule) (page 3, lines 11-25). The remote system transmits a promise reflecting a customer order requesting a quantity of a product through the seller, the promise being computed according to the allocated supply (i.e. MPS linked with order management such that when a customer places an order... to determine what's currently in production to give viable available to promise dates)(page 3, lines 12-25). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include performing the steps of claim 13 in remotely

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located systems within the James and Hunt combination in order to achieve business goals such as improved customer service, increased productivity and greater profitability (page 1, lines 43-45 and page 2, lines 14-25).

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over James and Lee as applied to claim 11 above, and further in view of Frank O. Smith, "Dun & Bradstreet Software Delivers Sales and Promotion System to Manufacturers" (hereinafter Smith).

As to claim 17, James does not explicitly disclose the system of Claim 11, wherein:
each forecast model is extensible such that one or more policy rules may be associated with the corresponding product;
each policy rule comprises a restriction on either the forecasted sales or the allocated supply for the seller; and
either the forecasted sales or the allocated supply is computed according to the policy rules.

However, Smith discloses each forecast model is extensible such that one or more policy rules may be associated with the corresponding product (i.e. SPS allows manufacturers to create and manage special product promotions based on product categories or items)(page 1, lines 21-30). Smith further discloses each policy rule comprises a restriction on either the forecasted sales or the allocated supply for the seller (i.e. price and discount effectivity dating)(page 2, lines 1-5).

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Finally, Smith discloses either the forecasted sales or the allocated supply is computed according to the policy rules (i.e. The system takes into account impact of scheduling the requested customer orders with orders already in progress.(page 4, col. 2, lines 35-47, page 5, col. 1, lines 37-40 and page 6, col. 2, lines). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features of Smith within the James and Lee combination in order to in order to speed and ease online management of orders tied to special promotions (page 1, lines 32-34).

10. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over James and Lee as applied to claim 27 above, and further in view of Rhodes.

As to claims 29 and 30 the claims are similar in scope to claims 13 and 14 and are rejected on the same basis.

11. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over James and Lee as applied to claim 27 above, and further in view of Smith.

As to claim 33., the claim is similar in scope to claim 17 and is rejected on the same basis.

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12. Claims 27, 28, 31-37, and 39-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over James in view of Lee and Smith

As to claim 19, James discloses a system for managing data associated with available-to-promise (ATP) products (i.e. processes that take place in a typical manufacturing environment from the time the orders are received and the logic to arrive at the capability to promise and confirm planned shipping dates based on capacity constraints and product availability)(page 5, col. 2, lines 32-49), comprising:

planned supply of the product (i.e. planned orders to cover net requirements)(page 4, col. 1, lines 16-22 and page 7, col. 1, lines 47-51);

customer orders for the product through the seller (i.e. customer order servicing)(page 5, col. 2, lines 32-43); and

allocated supply of the product to the seller (i.e. The system takes into account impact of scheduling the requested customer orders with orders already in progress. Check if there is unallocated inventory. If the system checks to see if there is unallocated inventory, then some of the inventory is allocated.)(page 4, col. 2, lines 35-47, page 5, col. 1, lines 37-40 and page 6, col. 2, lines 3-16); and

wherein the system is operable to compute the amount of the product that is ATP at the seller according to the planned supply, the customer orders, the allocated supply, and the amount

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of the product that is ATP at one or more other sellers (i.e. planned production activity performed by CRP system, customer orders, allocated supply)(page 4, col. 2, lines 48-59, page 5, col. 1, line 33 - col. 2, line 18, and page 7, col. 1, lines 47-51).

James does not explicitly disclose

each product being associated with a product forecast model and
forecasted sales of the product through the seller.

However, Lee discloses each product being associated with a product forecast model (i.e. model covers each of a plurality of products)(col. 2, lines 1-9 and col. 5, lines 46-63); and forecasted sales of the product through the seller (i.e. forecast profile)(col. 3, lines 41-53). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include each product being associated with a product forecast model and forecasted sales of the product through the seller within the James system in order to provide products in timely response to customer demands (col. 1, lines 37-43).

James does not explicitly disclose

at least one seller model representing a seller for products that each correspond to an item having one or more restrictions on its sale, at least two products corresponding to the same item but with at least one different restriction.

However, Smith discloses at least one seller model representing a seller for products that each correspond to an item having one or more restrictions on its sale, at least two products corresponding to the same item but with at least one different restriction (i.e. SPS enables

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manufacturers to easily track and manage special sales promotions separate and independent of standard company pricing policy. SPS enables manufacturers to create and manage special product promotions based on ... by customer type or specific customer account.)(page 1, lines 21-30). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include at least one seller model representing a seller for products that each correspond to an item having one or more restrictions on its sale, at least two products corresponding to the same item but with at least one different restriction within the James system in order to speed and ease online management of orders tied to special promotions (page 1, lines 32-34).

As to claim 20, James discloses he system of Claim 19, wherein the restrictions are selected from the group consisting of quantity restrictions, and lead time restrictions (i.e. whether customer specified date can be met. Check if requirements can be satisfied by unallocated inventory or unallocated scheduled production.)(page 5, col. 1, line 33 - col. 2, line 18).

James does not explicitly disclose wherein the restrictions are selected from price restrictions.

However, Smith discloses wherein the restrictions are selected from price restrictions (i.e. ,manage special sales promotions separate and independent of standard company pricing policy). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the restrictions are selected from price restrictions within the James system in

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order to speed and ease online management of orders tied to special promotions (page 1, lines 32-34).

As to claim 21, the claim is similar in scope to claim 12 and is rejected on the same basis.

As to claim 22, the claim is similar in scope to claim 13 and is rejected on the same basis.

As to claim 23, the claim is similar in scope to claim 15 and is rejected on the same basis.

As to claim 24, James does not explicitly disclose the system of Claim 19, further operable to:

accept a customer order requesting quantities of one or more items through the seller; and
compute a promise for the customer order according to the allocated supply for
corresponding products, wherein the promise comprises a plurality of options each with one or
more of the restrictions specified for these products.

However Smith discloses accepting a customer order requesting quantities of one or more
items through the seller and computing a promise for the customer order according to the
allocated supply for corresponding products, wherein the promise comprises a plurality of options
each with one or more of the restrictions specified for these products (i.e. SPS enables
manufacturers to easily track and manage special sales promotions separate and independent of

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standard company pricing policy. System enhancements include on line available to promise by item ...)(page 1, lines 21-30 and page 2, lines 1-5). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include accepting a customer order requesting quantities of one or more items through the seller and computing a promise for the customer order according to the allocated supply for corresponding products, wherein the promise comprises a plurality of options each with one or more of the restrictions specified for these products within the James system in order to speed and ease online management of orders tied to special promotions (page 1, lines 32-34).

As to claim 25, the claim is similar in scope to claim 17 and is rejected on the same basis.

As to claim 26, the claim is similar in scope to claim 18 and is rejected on the same basis

As to claim 35, the claim is the corresponding method claim to system claim 19 and is rejected on the same basis as claim 19.

As to claims 36, 37, and 39-42, the claims are similar in scope to claims 20, 21, and 23-26 and are rejected on the same basis.

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13. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over James, Lee and Smith as applied to claim 35 above, and further in view of Rhodes.

As to claim 38, the claim is similar in scope to claim 22 and is rejected on the same basis.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 8:30 AM to 6:00 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax telephone number for this group is (703) 305-0040.

Alexander Kalinowski *AK*

10/30/2001

[Signature]
TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100